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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Rencontre Africaine pour la défense des droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Death Penalty as Political Revenge Tools

Introduction

Since 2011, Bahrain's court has issued a number of death sentences, some in military court and others in criminal courts, in contravention to Article 10 from the Universal Declaration of Human Rights, and Article 6 of the International Covenant on Civil and Political Rights. While these same courts have brushed aside cases of Bahraini security forces accused of killing citizens, as well as practices of torture in detention centres, and the firing of live ammunition on peaceful protests.

On 9 January 2017, the Bahraini authorities upheld the death sentence against three activists – Sami Mushaima, Abbas Al-Samea, and Ali Abdulshaheed Al-Singace, who were arrested in 2014, being accused of killing three policemen in a bombing incident. After exhausting all legal procedures, on 15 January, the three individuals were immediately executed. It was the first executions of Bahraini citizenship holders since 1996, although the victims were technically stateless after being stripped of their citizenship.

During the last two years, Bahrain has sentenced 24 people to death, four of whom have already been executed, including the three mentioned above. Four citizens were sentenced to death in 2016 and eleven of the cases were sentenced after the UPR review in May 2017. Among them, six were civilians sentenced by the Military Court on 25 December 2017. Of the 24 cases, two has been sentenced recently in 31 January 2018.

Death Penalty as Political Revenge Tools

Repressive authorities, including those of Bahrain, generally use the death penalty against opposition members, fabricating accusations and charges against them to score political points and seek revenge wholly from a political aspect, and not a legal one.

From a criminal point of view, the international human rights community calls for the abolishment of the death penalty as it believes there is no tangible deterrent value to stop the offence being committed again. From a human rights perspective, the penalty should be abolished, as it has become a means for political tactics that are contrary to human rights – like political revenge and the silencing of political opponents.

This is especially true when considering the lack of an independent, impartial and fair judiciary and the absence of the principles of separation of powers, resulting in the absence of the most basic conditions of fair trials. There is no doubt that it will result in unfair judgments being handed down, which is what is happening in Bahrain. The legislature, the judiciary, and the executive falls into one hand that oversees and dispenses, yet is above questioning as he is considered "higher and untouchable". From here the general provisions associated with death penalty loses its integrity, transparency and fair justice. Death penalties emanating from such judiciaries are immersed in international criticisms, and the penalty should be stopped.

Fabrication of Charge and Death Penalty in Bahrain

The Constitution of Bahrain does not refer to the death penalty and it is unclear whether the death penalty is mandatory for any offence in Bahrain. Nevertheless, the death penalty in Bahrain has been carried arbitrarily and discriminately, especially against political dissidents. The Bahraini courts have continued to disregard of evidence and proofs that the security apparatus caused deaths, tortured prisoners, extracted false confessions and fired live rounds during the crackdown on peaceful protests.

All those sentenced to death have complained of the same or similar treatments and processes. These include rough arrests, harsh torture and obscure and questionable evidences. These all strongly indicate and illustrate a political scheme. The typical practices endured by death row inmates include blindfolding, long periods of forces standing, electrocution, insults, sleep and deprivation, etc.

All three victims of the recent execution, Mushaima, al-Samea, and Al-Singace were tortured by police after their arrest and two of them admitted that they were forced to sign false confessions under duress.

Sami Mushaima was forced to sign documents despite being illiterate. Although he had a family member who was a prominent opposition politician, it was known that he had never been involved in activism. Abbas al-Samea, who was at school at the time of the bombing incident as a teacher, was admitted to hospital for surgery as a result of his interrogation. Ali Abdulshaheed Al-Singace was arrested as a teenager and convicted in absentia, after being tortured with electric shocks.

On 25 December 2017, the Supreme Military Court issued a death sentence to 6 civilians, charging them for forming a terrorist cell. The victims, Mubarak Adel Mubarak Mahanna, Sayed Fadhel Abbas Hassan Radhi, Sayed Alawi Sayed

Husain Alawi, Muhammad Abdulhassan Al Mutaghwi, Murtada Majeed Ramadan Alawi, and Habeeb Abdullah Hassan Ali, were given the verdicts after a mass unfair trial. Murtada Majeed and Habeeb Abdullah were tried in absentia.

Violation of International Law

The Constitution of Bahrain does not refer to the death penalty and it is unclear whether the death penalty is mandatory for any offence in Bahrain. Nevertheless, the death penalty in Bahrain has been carried arbitrarily and discriminately, especially against political dissidents. The Bahraini courts have continued to disregard of evidence and proofs that the security apparatus caused deaths, tortured prisoners, extracted false confessions and fired live rounds during the crackdown on peaceful protests.

Article 6 of ICCPR clearly states that no one shall be arbitrarily deprived of his life. It also emphasises that the death penalty would be imposed only for the most serious crimes. In Bahrain, the death penalty has been deployed as a tool of political revenge tool. Since 2011, Bahrain's court has issued a number of death sentences, some in military court and others in criminal courts.

In its UPR review in 2017, many member states condemned the execution of three Bahraini youth, with Bulgaria labeling it as a "step back" from the country's practice on executions. There were numerous calls for a moratorium or abolishment of the death penalty. Countries who commented on this issue include Argentina, Armenia, Australia, Germany, the Philippines, Sweden, and Slovenia. Recommendation 76 states urges the Bahraini government to immediately declare an official moratorium on executions with a view to the ratification of the Second Optional Protocol to the ICCPR and the abolition of the death penalty.

Recommendations

To the government of Bahrain:

- Immediately release all those currently sentenced to death and drop all charges against them.
- Stop use of torture to extract confession and investigate and prosecute relevant individuals and personnel.
- Find alternative sentences for prisoners found to be guilty by an independent and fair judiciary.
- Set a date for Special Rapporteurs to visit, communicate and meet with death row prisoners.

To the members of Human Rights Council:

- Prevent countries like Bahrain, which lack justice and fairness and have a history of trial manipulation, from issuing and carrying out death penalties, specifically against political and human rights activists.
- Oppose and restrain death sentences lacking conditions of fairness, transparency and fair litigation, and compel the Government of Bahrain to abolish the death penalty against political and human rights activists who exercise their right to freedom of expression.
- To the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Bahrain.

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Human Rights Council
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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

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UNRWA Must Stop Devastating Palestinians and Inciting Racism

It is time to reform The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), an agency whose values are starkly at odds with those of the UN. As set forth in Articles 1 and 2 of the UN Charter, the UN was founded on principles of maintaining international peace and security and promoting friendly relations among nations. However, UNRWA does just the opposite—it spews hatred and exacerbates conflict.

1. UNRWA perpetuates the Palestinian narrative of the "right of return," whose goal is the elimination of Israel.

UNRWA officials openly advocate for the "right of return," as reflected in recent statements, including by UNRWA Spokesperson Chris Gunness[1] and UNRWA Lebanon director Claudio Cordone,[2] that the refugee crisis will continue as long as there is no "solution." This "solution" is not resettlement, as it would be for the rest of the world's refugees handled by the U.N. High Commissioner for Refugees (UNHCR). Unlike UNHCR, UNRWA is not mandated to find durable solutions for the Palestinians.[3]

As UNRWA expert Einat Wilf has explained, what UNRWA is really giving these Palestinians is the false hope that they will one day be able to return to family homes in Israel abandoned in a war, years before most of them were even born.[4]

This is obvious from recent statements by UNRWA-registered Palestinians who were born after 1948 and never lived in British Mandatory Palestine or Israel:

- Mohammad Afifi, 58-year-old shopkeeper born and raised in Lebanon: "I hold on to UNRWA because I hold on to my right of returning to Palestine."[5]

- Ramy Mansour, 34-year-old born and raised in Syria: "Take everything and return us to our homes. We don't want any assistance or anything, just return us to our country."[6]

2. UNRWA's refugee numbers are highly inflated

UNRWA claims it serves five million Palestinian refugees. In fact, only about 20,000 of the original refugees remain. All the rest of the so-called refugees are included because of UNRWA's unique refugee definition which differs markedly from that of UNHCR. UNHCR defines refugee status according to the Refugee Convention based on a fear of persecution,[7] whereas UNRWA's refugee definition is linked purely to residency during the two-year period preceding the 1948 conflict, and also expressly extends to descendants.[8]

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1 Maayan Lubell and Nidal al-Mughrabi, "Schools, health could be hit by U.S. cut for Palestinian refugee funds: UNRWA chief," *Reuters*, Jan. 17, 2018.

2 David Enders, "Head of Palestinian relief agency in Lebanon defends works as US threatens to cut funding," *The National*, Jan. 11, 2018.

3 Lance Bartholomeusz, "The Mandate of UNRWA at Sixty," *Refugee Survey Quarterly*, Vol. 28, Nos. 2 & 3, 2010, p. 471.

4 Haviv Rettig Gur, "Taking refugees off the table," *Times of Israel*, March 13, 2013.

5 Alexandra Zavis, Noga Tranpolsky and Rushdi Abu Alouf, "In Palestinian territories – and in Israel – jitters over Trump's threat to cut aid to Palestinians," *LA Times*, Jan. 7, 2018.

6 Fares Akram, "Across the Mideast, Palestinians brace for Trump aid cuts," *Times of Israel*, Jan. 16, 2018.

7 1951 Refugee Convention, Article 1.

8 https://www.unrwa.org/palestine-refugees.

In addition, UNRWA stubbornly refuses to find permanent solutions for its refugees, claiming this is not within its mandate. Thus, the anomaly that two million Palestinian "refugees" holding Jordanian citizenship, who UNHCR long ago would have removed from its rosters, continue to be treated by UNRWA as refugees. Similarly, over 2.1 million so-called refugees in the West Bank and Gaza enjoy exactly the same rights and privileges as non-refugee Palestinians there.[9]

Furthermore, there are serious questions as to the accuracy of UNRWA's refugee count, as noted by UNRWA's former General Counsel James Lindsay and others.[10] The recent Lebanese government census which found only 175,000 Palestine refugees in the country,[11] by contrast to UNRWA's claim of 450,000[12] is a case in point. The UN's own audits criticize UNRWA's deficient oversight.[13]

3. UNRWA's curriculum and educational staff promote conflict.

Education comprises more than half of UNRWA's budget (54%).[14] Yet a study published in September 2017 found that UNRWA textbooks promote conflict, not peace.[15] Textbooks claim Jews have no rights in Palestine, deny the existence of Jewish holy places there, and delete Israel from the map. They also promote violent struggle as the path to liberation. Unless change comes from the outside, the curriculum will not be changed any time soon. Following an April 2017 falling-out between UNRWA and the Palestinian Authority (PA) over proposed curriculum changes, UNRWA Commissioner-General Pierre Krähenbühl emphasized that "UNRWA is completely committed to the Palestinian curricula, and that no change will be made..."[16] In November 2017, the PA Ministry of Education reiterated its opposition to any attempt by UNRWA to change the curriculum in a way that would contradict the philosophy of the PA with respect to Palestinian national identity and heritage, *i.e.*, the belief that Jews have no rights in the occupied Palestinian territories and that Palestinians will one day return.[17]

Inflammatory textbooks aren't the only problem with UNRWA education. UN Watch published detailed reports in February and April 2017,[18] exposing 60 new examples of UNRWA educational staff preaching anti-Semitism and jihadi terrorism to their impressionable students.

In typical UNRWA fashion, rather than tackling the issue head-on by firing the antisemitic and terrorist supporting teachers, UNRWA provided them training in what not to post on social media and how to keep social media profiles "private" so that inflammatory social media posts are not publicly viewable.[19] Significantly, UNRWA has never expressed concern about the core underlying problem of students being exposed to anti-Semitism and jihadi terrorism.

Aside from violating the most basic principles of the U.N. charter noted above, such partisanship breeches UNRWA's neutrality as a UN humanitarian agency, and contravenes Article 29 of the Convention on the Rights of the Child.

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9 James G. Lindsay, "Reforming UNRWA," *Middle East Quarterly*, pp. 85-91, Fall 2012, p. 89.

10 *Id.*, pp. 87-88; Pierre Rehov, "UNRWA: The UN Agency that Creates Palestinian Refugees," *Gatestone Institute*, Jan. 29, 2018.

11 "Census find 174,422 Palestinian refugees in Lebanon," *The Daily Star Lebanon*, Dec. 21, 2017.

12 https://www.unrwa.org/where-we-work/lebanon.

13 E/AC.51/2017/3, OIOS Audit of UNRWA 2016-17, ¶¶ 53, 57; OIOS Audit of UNRWA 2010, ¶¶ 37-38.

14 https://www.unrwa.org/how-you-can-help/how-we-spend-funds.

15 Dr. Arnon Grois and DR. Ronni Shaked, "Schoolbooks of the Palestinian Authority (PA): The Attitude to the Jews, to Israel and to Peace," *Simon Wiesenthal Center and Middle East Forum*, Sep. 2017.

16 "UNRWA Commissioner-General emphasizes that "UNRWA is completely committed to the Palestinian curricula and that no change will be made in these curricula," *Palestinian Media Watch*, April 17, 2017.

17 "PA Ministry of Education strongly opposes any attempt by UNRWA to change the PA curriculum and schoolbooks," *Palestinian Media Watch*, Nov. 8, 2017.

18 "Poisoning Palestinian Children," *UN Watch*, Feb. 2, 2017; "Canada & UNRWA: Enhanced Due Diligence?," *UN Watch*, April 10, 2017.

19 "Social media and neutrality training for managers & supervisors," *UNRWA*, 2017.

4. UNRWA is a partisan entity with close ties to Hamas

A recent UN audit found that UNRWA was particularly vulnerable to "misappropriation, graft and corruption" in its "procurement, partner selection, food and cash distribution, hiring and promotions, and other areas."[20] The audit expressly criticized the lack of "periodic, unannounced direct inspections of UNRWA shelters and facilities, food distribution centres, schools, and clinics." Unfortunately, this is not surprising given UNRWA's close connections to Hamas in Gaza.

- In June and October 2017, Hamas terror tunnels were discovered under UNRWA schools in Gaza.[21]
- In April 2017, UNRWA teacher and Chairman of the UNRWA Employee's Union in Gaza Suhail al-Hindi resigned amid allegations he had been elected to the Hamas leadership. Other UNRWA employee also have been linked to Hamas.[22]
- During the summer 2014 Gaza war, terrorist rockets were stored on, and likely fired from, the premises of UNRWA schools, according to a UN report.[23]
- Each UNRWA school has a Hamas-appointed representative to recruit students to the Islamic Bloc, Hamas's student group, according to a 2015 report.[24]
- The 2013 documentary "Camp Jihad" shows Palestinian children being indoctrinated to hate Jews and Israel and support martyrdom at an UNRWA summer camp.[25]
- UNRWA employees have exploited their UNRWA privileges to assist terrorist groups like Hamas for years, including by using UNRWA vehicles to transport weapons and terrorists for attacks against Israel.[26]

If the Human Rights Council is interested in advancing Israeli-Palestinian peace, it should join the call for reforming UNRWA.

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20 OIOS Audit of UNRWA 2010, ¶¶ 37-38.

21 "Israel's UN envoy blasts discovery of Gaza tunnel under UNRWA school," *Times of Israel*, Oct. 29, 2017.

22 "UNRWA's Gaza union head, accused of Hamas ties, no longer employed by agency," *Times of Israel*, April 23, 2017.

23 "UN admits Palestinians fired rockets from UNRWA schools," *UN Watch*, April 7, 2015.

24 Paul Alster, "On 65th Anniversary, Looking at UNRWA and its Hamas Ties," *The Algemeiner*, June 12, 2015.

25 Paul Alster, "U.S. tax dollars help fund UN 'hate camp' in Gaza: documentary," *Fox News*, Aug. 24, 2013.

26 Asaf Romirowsky, "How UNRWA Supports Hamas," *Jewish Policy Center*, Fall 2007.

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Written statement* submitted by Rencontre Africaine pour la défense des droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Arbitrary Revocation of Citizenship in Bahrain

Making a person stateless is clearly prohibited by international law. Article 15 of the Universal Declaration of Human Rights (UDHR) states that "Everyone has the right to a nationality" and "No one shall be arbitrarily deprived of his nationality." Nevertheless, nationality revocation is not limited as an issue of one country, or a specific region.

Over the last few years, however, Bahrain has intensified the use of stripping citizenship from those who dissent or speak out in protest as a form of punishment. In addition to decisions by the Ministry of Interior to revoke nationality, court judges have also increasingly handed down sentences that included the revocation of nationality, mostly in cases where defendants were convicted of terrorism-related offences. As a consequence, until January 2018, the Bahraini authorities have made 551 Bahraini citizens stateless, many of whom were living in exile.

Domestic and International Law on Citizenship

Revoking or Stripping citizens of their nationality on the basis of vague allegations without due process protections is arbitrary and in violation of Bahrain's international human rights obligations. The right to a nationality, which must not be deprived arbitrarily, is enshrined in Article 15 of the Universal Declaration of Human Rights (UDHR) and Article 24 of the International Covenant on Civil and Political Rights (ICCPR) to which Bahrain is a state party. Article 15 of UDHR explicitly refers to a right to citizenship, declaring, "Everyone has the right to a nationality" and that "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." Likewise, Article 7 of the 1961 Convention on the Reduction of Statelessness also prohibits, with only a very few very tightly drawn exceptions, any loss of nationality which results in statelessness.

Meanwhile, the Bahraini Constitution stipulates under Article 17 that a "person inherently enjoying his Bahraini nationality cannot be stripped of his nationality except in case of treason, and such other cases as prescribed by law." Subsequently, the obligation to avoid statelessness has been recognized as a norm of customary international law and the Constitution of Bahrain.

Revocation of citizenship in Bahrain

The stripping of nationality, however, has been an instrument for the Bahraini government to punish any political dissidents and to repress popular uprisings. The Bahraini authorities allegedly allow the Interior Minister to carry out revocation of citizenship through its Nationality Act 1963, Article 10(3), in particular, which allows for the deprivation of nationality of persons that are causing "damage to the security of the state". The authorities have thus unlawfully used this Act to punish dissidents, activists, clerics, and scholars, the vast majority of whom have never committed a crime or prosecuted.

Consequently, in total, more than 551 Bahrainis have been revoked their citizenship. Most recently, on 31 January 2018, the Bahraini court stripped 47 of defendants of their nationality, accusing them of "forming a terrorist group," while forcibly expelling 4 citizens (Ismail and Ibrahim Darwish brothers, Adnan Kamal and Habib Darwish) whose nationality was revoked in 2012, to a foreign country.

Revocation of citizenship as a social death

The revocation of citizenship might severely impact on the victims and their families and put a strain on various facets of their lives. It deprives their rights to work, to travel, and to identify, and precludes them from accessing benefits for basic social services, eventually forcing them to exposure to a situation of immigration and asylum. The impacts of the citizenship revocation are especially harmful to children, as they may be born stateless or fall into such predicament later in life, which would deprive them of fundamental rights to safety and security and deny their access to basic medical care and education.

The revocation of citizenship in Bahrain often follows and is followed by arrests, detentions, interrogations and criminal charges, causing serious human rights violations. Citizenship revocation has profoundly affected the lives and wellbeing of thousands of people throughout the world. Under the threat of citizenship revocation, Bahrainis have been restricted in the exercise of their legitimate rights to freedom of expression, freedom of association and assembly, and freedom of religion or belief.

Citizenship is the most basic and fundamental right of every individual. Losing one's nationality means a social death. The possession of citizenship should not be understood as privilege or reward for allegiance, and its revocation should not be wielded as a weapon of control and oppression. The citizenry is above government, not vice versa. Citizenship revocation only enhances the discretionary and arbitrary power of the executive authority.

Recommendations

- The government of Bahrain should immediately and unconditionally restore citizenship to all those were unfairly stripped of their citizenship without resource to due process in law.
- The Bahraini authorities should end the practice of revoking nationality as a method of reprisal against political opponents.
- The government of Bahrain should ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.
- The international community should push the Bahraini authorities to correctly comply with signed and ratified international treaties and declaration which confer on a citizen of Bahrain the right to a nationality.
- The UN member countries should urge the Bahraini government to accept and allow the visits of the UN Special Rapporteurs to meet with those that have been victims of the stripping of nationality.